

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of August 23, 2004. Claims 1-33 remain in this application. Claim 1 is amended and claims 2-33 remain as originally presented. For the reasons discussed below, it believed the claims are in condition for allowance.

Reconsideration of the Application is requested.

The Office Action

Objections.

In the specification, the Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description: 320 and 3007. As indicated above, the Applicant has amended the description to include reference characters 320 and 3007, without adding any new matter. The Examiner is respectfully requested to withdraw this objection.

The Examiner has objected to the abstract as exceeding a range of 50 to 150 words. As indicated above, the abstract has been replaced, without adding any new matter, with an abstract of less than 150 words. The Examiner is respectfully requested to withdraw this objection.

The Examiner has objected to the disclosure because of the informalities indicated in Paragraph 4 of the Office Action mailed August 23, 2004. As indicated above, the specification has been amended, without adding any new matter, to include the corrections indicated by the Examiner. The Examiner is respectfully requested to withdraw this objection.

Claim Rejections - 35 U.S.C. 101.

The Examiner has rejected claims 1-12 under 35 U.S.C. 101 because the claimed subject matter is directed to non-statutory subject matter. This rejection is respectfully traversed for the following reasons.

Claim 1 has been amended to include the positive recitation of "using a processing system for managing the planning and performance of multiple projects, the processing system performing the following steps:", where the "following steps:"

refers to the steps recited in the remainder of the body of the claim. As described throughout the specification, a processing system as used in this patent application is directed to a computer based system. Accordingly, Claim 1 and all claims that depend therefrom, Claims 2-12, are directed to statutory subject matter. Specifically, Claims 1-12 as amended are within the technological arts and the claimed invention produces a useful, concrete and tangible result.

The Examiner is respectfully requested to withdraw this rejection based on Claims 1-12 as amended.

Claim Rejections - 35 U.S.C. 102.

The Examiner has rejected Claims 1, 2, 4-14, 16-25 and 27-33 as being anticipated by Ash (Ash, Activity Scheduling in the Dynamic, Multi-Project Setting: Choosing Heuristics Through Deterministic Simulation, Proceedings of the 1999 Winter Simulation Conference, 1999, p. 937-941 [GOOGLE]). This rejection is respectively traversed for the following reasons.

The Examiner has interpreted "mandatory type projects" as claimed, to be defined as precedence or critical projects as these terms are used within Ash, and "non-mandatory type projects" to be defined as no precedence or low precedence or non-critical or low priority projects as these terms are used within Ash. These definitions of "mandatory type projects" and "non-mandatory type projects" are not accurate as used in the Applicant's disclosure.

Specifically, a "mandatory type project" refers to a project such as a software core product release, (page 5, lines 5-15) or other planned production content that has a generally fixed schedule (page 4, lines 13-24). Precedence or critical projects, as these terms are used within Ash, refer to projects which must be completed before the next project in a series is started/completed. (Ash: Section 2, The Project Setting.) Ash discusses an activity scheduling system for prioritizing projects that have been identified as being the critical path or precedence projects for subsequent projects or tasks to be completed. Ash further discloses how to prioritize the precedence feasible projects to optimally allocate resources to complete the multiple projects. This concept or definition of precedence projects is in contrast to a mandatory project as defined by the Applicant's disclosure. As stated above, a mandatory type project must be completed with a fixed schedule. A precedence or

critical project, as discussed in Ash, is not a project which must be completed with a fixed schedule necessarily but a project that must be completed before a subsequent project or task can be started and completed. In other words, a critical path project.

Regarding "non-mandatory type projects," defined by the Examiner as no precedence or low precedence or non-critical or low priority projects as these terms are used within Ash, a "non-mandatory type project" refers to a project not required to be completed on a fixed schedule. Non-mandatory projects are projects that are considered for completion after the necessary resources are allocated for the mandatory projects. No precedence, low precedence, non-critical or low priority projects, as discussed within Ash refer to projects which need not be completed before the next project in a series is started/completed. As stated above, Ash discusses an activity scheduling system for prioritizing projects that have been identified as being the critical path or precedence projects for subsequent projects or tasks to be completed. A no precedence, low precedence, non-critical or low priority project refers to a project not required to be completed as a precedence feasible or critical path project. A precedence or critical project, as discussed in Ash, is not a project which must be completed within a fixed schedule necessarily but a project that must be completed before a subsequent project or task is can be started and completed. In other words, a critical path project. Accordingly, a no precedence, low precedence, non-critical or low priority project is a project that need not be completed before a subsequent project or task can be started and completed.

In further illustration of the distinctions outlined above, the Applicant's disclosure provides a method and system of managing resources that prioritizes efficient allocation of resources to complete mandatory type projects over non-mandatory type projects and ad hoc type projects. Ash discloses a project management system to allocate resources based on project critical paths. The project critical path determines the priorities of precedence feasible tasks to be completed. The Applicant's disclosure does not provide for precedence feasible projects as discussed in Ash.

Accordingly, the arguments presented by the Examiner are based on an inaccurate definition of the claimed subject matter.

For the reasons discussed above, Claims 1, 2, 4-14, 16-25 and 27-33 are not

anticipated by Ash and the Examiner is respectively requested to withdraw this rejection.

Claim Rejections- 35 U.S.C. 103(a).

The Examiner has rejected Claims 3, 15 and 26 as being unpatenable over Ash (Ash, Activity Scheduling in the Dynamic, Multi-Project Setting: Choosing Heuristics Through Deterministic Simulation, Proceedings of the 1999 Winter Simulation Conference, 1999, p. 937-941 [GOOGLE]) in view of Bowers et al., (Bowers et al. A Practical Application of a Multi-Project Scheduling Heuristic, Production and Inventory Management Journal, Fourth Quarter 1996, p. 19-25 [PROQUEST]).

For the reasons discussed above in regard to the applicability of Ash to the Applicant's claimed subject matter, the Examiner's rejection of claims 3, 15 and 26 is traversed and the Examiner is respectfully requested to withdraw this rejection.

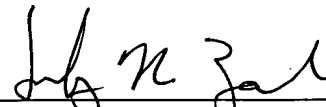
CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-33) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Jeffrey N. Zahn, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



Patrick R. Roach, Reg. No. 29,580
Jeffrey N. Zahn, Reg. No. 54,864
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

1/24/2005

Date